

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER 833.012
INTERNATIONAL APPLICATION NO. PCT/GB2004/001072	INTERNATIONAL FILING DATE 12 March 2004	U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/550837
TITLE OF INVENTION Pharmaceutical Composition Comprising Fungal Cell or Fragment Thereof		
APPLICANT(S) FOR DO/EO/US Michael Crothers, Stephen C. Duckham, and Gordon Nelson		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<p>1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371.</p> <p>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371 (f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input checked="" type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371 (c)(2)) <ul style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input checked="" type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). </p> <p>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371 (c)(2)). <ul style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). </p> <p>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <ul style="list-style-type: none"> a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input checked="" type="checkbox"/> have not been made and will not be made. </p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p>		
Items 11 to 20 below concern document(s) or information included:		
<p>11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input checked="" type="checkbox"/> A preliminary amendment.</p> <p>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 – 1.825.</p> <p>18. <input checked="" type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</p>		

This collection of information is required by 37 CFR 1.414 and 1.491–1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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U.S. APPLICATION NO. (If known, see 37 CFR 1.6)	INTERNATIONAL APPLICATION NO. PCT/GB2004/001072	ATTORNEY'S DOCKET NUMBER 833.012
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20. Other items or information:

The following fees have been submitted		CALCULATIONS	PTO USE ONLY		
21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a)) \$300		\$ 300			
22. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of the PCT Article 33(1)-(4) \$0 All other situations \$200		\$ 200			
23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of the PCT Article 33(1)-(4) \$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority \$100 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB \$400 All other situations \$500		\$ 400			
TOTAL OF 21, 22 and 23 =		\$ 900			
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing IN COMPLIANCE WITH 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
21 -100 =	0 /50 =	0	x \$250		
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of the commencement of the national stage (37 CFR 1.492(h)).		\$ 0			
CLAIMS		NUMBER FILED	NUMBER EXTRA	RATE	\$
Total claims		22 - 20 =	2	x \$50	\$ 100
Independent claims		3 - 3 =	0	x \$200	\$ 0
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+	\$360	\$ 0
		TOTAL OF ABOVE CALCULATIONS =		\$ 1000	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.				\$ 0	
		SUBTOTAL =		\$ 1000	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).		+		\$ 0	
		TOTAL NATIONAL FEE =		\$ 1000	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property		+		\$ 0	
		TOTAL FEES ENCLOSED =		\$ 1000	
		Amount to be refunded:		\$	
		Amount to be charged:		\$	

10/550837
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PTO-1390 (Rev. 07-2005)

Approved for use through 3/31/2007. OMB 0651-0021

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

- a. A check in the amount of \$ 1000 to cover the above fees is enclosed.
- b. Please charge my Deposit Account No. 50-1170 in the amount of \$ _____ to cover the above fees.
A duplicate copy of this sheet is enclosed.
- c. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-1170. A duplicate copy of this sheet is enclosed.
- d. Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Timothy E. Newholm
Boyle Fredrickson Newholm Stein & Gratz S.C.

250 East Wisconsin Avenue, Suite 1030
Milwaukee, WI 53202


SIGNATURE:

Timothy E. Newholm
NAME

34400
REGISTRATION NUMBER



BOYLE
FREDRICKSON
NEWHOLM
STEIN&GRATZ sc

INTELLECTUAL PROPERTY LAW

TIMOTHY E. NEWHOLM
DIRECT DIAL: 414-225-1667
TEN@BOYLEFRED.COM

10/550837
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SUITE 1030
250 EAST WISCONSIN AVENUE
MILWAUKEE, WI 53202
PHONE: 414.225.9755 FAX: 414.225.9753
E-MAIL: MAIL@BOYLEFRED.COM

September 23, 2005

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: Utility Patent Application Transmittal
U.S. Patent Application Ser. No. (not assigned)
National Phase of PCT/GB2004/001072
Inventor: Crothers et al.
Title: *Pharmaceutical Composition Comprising Fungal Cell or Fragment
Thereof*
Assignee: MICAP PLC
Customer Account No.: 23598
Our Ref: 833.012

Dear Sir:

Enclosed in connection with the above-identified national phase patent application are:

- A copy of the published International Application under 35 U.S.C. 154(d)(4), including:
 - 1 page Publication coversheet (WO 2004/084947);
 - 16 pages of application, including:
 - 15 pages of specification,
 - 1 page of references, and
 - 2 pages of substitute drawing sheets containing FIGS. 1-3.
- a Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Submission Under 35 U.S.C. 371;
- check in the amount of \$1,000.00 in payment of the government filing fee for the patent application;

- a Preliminary Amendment (1) entering headings suggested by the USPTO, (2) amending the claims without narrowing the claims and without adding new matter, (3) eliminating multiple dependencies and otherwise placing the claims into conformance with preferred USPTO practice, and (4) adding an Abstract. Please enter the Preliminary Amendment before determining the filing fees; and
- an Information Disclosure Statement (IDS), Form PTO-1449, and a copy of the cited documents.

Documents to Follow:

- an executed Declaration;
- an executed Assignment to MICAP PLC;
- a recordation cover sheet; and
- an Appointment of Domestic Representative.

Applicant(s):

<u>Name</u>	<u>Residence</u>
Michael Crothers	Manchester, United Kingdom
Stephen C. Duckham	Merseyside, United Kingdom
Gordon Nelson	Cheshire, United Kingdom

Assignment for Published Application:

MICAP PLC

Power of Attorney:

Those attorneys associated with Customer Account No. 23598.

Small Entity Statement:

Not applicable.

Commissioner for Patents
September 23, 2005
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Domestic Priority data as claimed by applicant:

This application is a 371 of PCT/GB2004/001072; filed 12 March 2004 (12.03.04).

Foreign Application(s):

Great Britain 0306933.3 filed 26 March 2003 (26.03.2003).

Non-Publication Request:

Not applicable.

Deposit Account Authorization

The Director is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1170.

Respectfully submitted,


Timothy E. Newholm
Registration No. 34,400

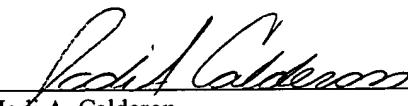
Enclosures

Certification Under 37 CFR 1.10

Express Mail Label No: EV506061029US

Date of Deposit: September 23, 2005

I hereby certify that this paper or fee is being deposited with the United States Postal Service in "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Jodi A. Calderon

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IN THE UNITED STATES PATENT AND TRADEMARK

National Phase of PCT/GB2004/001072

International Filing Date: 12 March 2004

Inventors: Michael Crothers, Stephen, C. Duckham, and Gordon Nelson

Title: *Pharmaceutical Composition Comprising Fungal Cell or Fragment Thereof*

Priority: British Patent Application No. 0306933.3; filed 26 March 2003

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Alexandria, VA 22313-1450

APPOINTMENT OF DOMESTIC REPRESENTATIVE

Applicant appoints BOYLE FREDRICKSON NEWHOLM STEIN & GRATZ S.C., a firm of professional corporations, and all attorneys associated with Customer Account No. 23598 to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Timothy E. Newholm, Reg. No. 34,400 James F. Boyle, Reg. No. 33,653

David D. Stein, Reg. No. 40,828 Michael J. Gratz, Reg. No. 39,693

Peter C. Stomma, Reg. No. 36,020 Andrew S. McConnell, Reg. No. 32,272

Mathew E. Corr, Reg. No. 45,434 Jay G. Durst, Reg. No. 41,723;

Mollie A. Newcomb, Reg. No. 50,915 William T. Kryger, Reg. No. 53,163

Address all telephone calls to: Timothy E. Newholm at telephone number (414) 225-9755, facsimile number (414) 225-9753.

Address all correspondence to: The address associated with Customer Account No. 23598.

MICAP PLC

Date: _____ By: _____

Name: _____

Title: _____